



Connecticut Department of  
**ENERGY &  
ENVIRONMENTAL  
PROTECTION**

**STATE OF CONNECTICUT  
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION**

Public Hearing – March 16, 2015  
Government Administration and Elections Committee

Testimony Submitted by Commissioner Robert J. Klee

**Raised House Bill 6998 – AN ACT CONCERNING THE CONVEYANCE OF CERTAIN PARCELS OF STATE LAND.**

Thank you for the opportunity to present testimony regarding **Raised House Bill 6998 – AN ACT CONCERNING THE CONVEYANCE OF CERTAIN PARCELS OF STATE LAND**. The Department of Energy and Environmental Protection (DEEP) welcomes the opportunity to offer the following testimony.

DEEP does not support sections 3, 8, 14, and 15 of the bill, as they propose to convey of State lands held by DEEP for public use and benefit to other parties. DEEP supports the conveyance of the pier located adjacent to Fort Nathan Hale Park in New Haven, outlined in section 6 of the bill.

DEEP acquires lands for specific purposes, such as for public recreation, habitat and wildlife protection and management, and water protection; these lands are held in public trust for such purposes. Such proposed conveyances are contrary to the purposes for which DEEP acquired these lands and such conveyances may not benefit all citizens of Connecticut. DEEP's specific concerns are outlined below.

Section 3 of the bill proposes to transfer 4.71 acres of Silver Sands State Park to the City of Milford. DEEP does not support conveying these parcels to the city, as such conveyance would create exclusive use zones within the State Park for city residents, and the parcels proposed for transfer are ones DEEP considers integral in its efforts to ensure full public access, recreation, and safety.

Section 8 of the bill proposes to transfer four DEEP-owned parcels of land known as Centennial State Forest to the Town of Fairfield. As drafted, these lands total approximately 130 acres and would be transferred for open space purposes. These parcels were a part of the largest open space protection project undertaken by the State of Connecticut. This properties, known as the "Kelda" lands, were purchased to protect at-risk water company lands and to ensure for continued protection of water quality used for drinking purposes, protect critical environmental habitats and features, and to permit public passive recreation. This land was conveyed to the State to be preserved in perpetuity in its natural and open condition for the protection of natural resources and public water supplies, as contemplated by subsection (a) of Section 15 of Public Act 01-09. Further, since these lands were owned by a water company, the Department of Public Health had to issue a permit authorizing their original sale to the State of Connecticut. That permit states, in part, that "DEP and TNC shall not sell, lease, or assign any such land or conservation easement or restrictive covenant,

or sell, lease, assign or change the use of such land or interest in land acquired herein without obtaining a permit pursuant to CGS 25-32(b)."

If the Town of Fairfield is interested in other open space uses of the parcel that are not currently available on these lands, it would be appropriate to discuss these uses with the Conservation Land Committee. This Committee, which is comprised of members of DEEP, The Nature Conservancy, and Aquarion, make all decisions on these lands regarding uses and management of the property. DEEP is not aware of any request from the town to the Committee.

Section 14 of the bill proposes to exchange a license for a private gravel haul road over the Quinebaug Management Area in exchange for three parcels of land totaling approximately 42 acres. Similar requests were submitted to DEEP in 2009 and again in 2015. DEEP denied both requests for the following reasons:

- This site is listed as habitat for endangered species, and the use of the property as a roadway would be harmful to species and its environment by modifying and reducing the viability of the habitat. As such, authorizing the use of the land for a road would also be in conflict with Connecticut General Statutes 26-310 and 26-311.
- The DEEP parcels are open to the public for hunting and available to DEEP for wildlife management activities. The proposed private use of the State land would limit such public use of the property and DEEP's ability to manage wildlife on the property, which were the intended purposes of its acquisition.
- The offered parcels, while potentially beneficial to the State and the public, do not provide for significant enhancements to public recreation, water protection, or wildlife conservation.

Further, the acquisition of these State parcels were funded, in part, with funding from the National Park Service through the Land and Water Conservation Fund. This federal funding would not permit the use of the land for private purposes. Any such use would require DEEP apply to National Park Service for a conversion by providing replacement land of similar value and public benefit.

Section 15 of the bill proposes to convey a ten-year easement for Basley Road Materials, LLC for a private gravel haul road over the Quinebaug Management Area in exchange for twenty thousand dollars and the future conveyance of an approximately 48 acre parcel after gravel excavation is complete on this offered parcel. A similar request was denied by DEEP in 2015 for the following reasons:

- This site is listed as habitat for endangered species, and the use of the property as a roadway would be harmful to species and its environment by modifying and reducing the viability of the habitat. As such, authorizing the use of the land for a road would also be in conflict with Connecticut General Statutes 26-310 and 26-311.
- Private use of the State land would limit DEEP's ability to open the area to hunting and to manage wildlife on the property, which was the intended purpose of its acquisition.
- The offered parcel is currently maintained as a field. However, the transfer of the land to DEEP is contemplated after mining operations are complete. Given the impact of mining operations on the property, the offered parcel would not likely provide for conservation of wildlife habitat and would not hold great potential for wildlife management.

Thank you for the opportunity to present testimony on this proposal. If you should require any additional information, please contact Robert LaFrance, DEEP's Director of Governmental Affairs, at 860.424.3401 or [Robert.LaFrance@ct.gov](mailto:Robert.LaFrance@ct.gov) or, Elizabeth McAuliffe, DEEP Legislative Liaison, at 860.424.3458 or [Elizabeth.McAuliffe@ct.gov](mailto:Elizabeth.McAuliffe@ct.gov).